

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 17 has been canceled.

New claims 28 and 29 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 11-16 and 18-29 are now pending in this application.

Rejections under 35 U.S.C. § 103

Claims 11-17, 19, 21, 23, and 25-27

Claims 11-17, 19, 21, 23, and 25-27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,572,766 to Dimitriou (hereafter "Dimitriou") in view of U.S. Pub. No. 2004/0067414 to Wei *et al.* (hereafter "Wei"). This rejection is respectfully traversed.

Dimitriou discloses a plate evaporator or condenser that includes a stack of plates that are fed a heating fluid or vapor through inlet openings 26 and 27 and through channels 26' and 27'. See Dimitriou at col. 5, line 62, to col. 6, line 48; col. 7, line 62, to col. 8, line 4. The plate stack includes additional inflow openings and channels 39' and 40' for the heating fluid or vapor. See Dimitriou at col. 7, lines 25-39; col. 7, line 62, to col. 8, line 28. Dimitriou discloses that condensate from the heating fluid or vapor can be admitted to a condensate outlet flow 53. See Dimitriou at col. 8, lines 23-28.

However, as noted on page 3 of the Office Action, Dimitriou does not disclose or suggest two heat transfer medium ducts that are in fluid communication with the same heat transfer medium inlet, as recited in claim 11. Nor does Dimitriou disclose or suggest that the heat transfer medium inlet has a branching section arranged in a plane which is perpendicular to the at least two heat transfer medium ducts such that the branching section is offset from the plurality of disks, as recited in claim 11.

The Office cites Wei in an attempt to cure the deficiencies of Dimitriou, in particular citing the duct 300 shown in Figure 3 of Wei. However, Wei does not disclose or suggest a heat transfer medium inlet that has a branching section is arranged in a plane which is perpendicular to the at least two heat transfer medium ducts such that the branching section is offset from the plurality of disks, as recited in claim 11. As shown in Figure 3 of Wei, the duct 300 is not arranged in a plane that is perpendicular to at least two heat transfer medium ducts such that the branching section is offset from a plurality of disks, as recited in claim 11, because the duct 300 is arranged in the same plane as the ducts passing through the stack of plates shown in Figure 3 of Wei.

For at least the reasons discussed above, the combination of Dimitriou and Wei does not disclose or suggest all of the features of claim 11. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 18, 20, 22, and 24

Claims 18, 20, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dimitriou and Wei in view of U.S. Patent No. 5,230,966 to Voss *et al.* (hereafter "Voss"). This rejection is respectfully traversed. Voss fails to remedy the deficiencies of Dimitriou and Wei discussed above in regard to independent claim 11, from which claims 18, 20, 22, and 24 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 18 depends from claim 11 and is allowable over the prior art for at least the reasons discussed above. Claim 18 further recites that the branching section is designed in a form of an arc of a circle. However, the combination of Dimitriou, Wei, and Voss does not disclose or suggest a branching section arranged in a plane which is perpendicular to the at least two heat transfer medium ducts such that the branching section is offset from the plurality of disks, wherein the branching section is designed in a form of an arc of a circle, as recited in claim 18, because Voss discloses passages that are formed within a plate and thus are not offset from the plate. One of ordinary skill in the art would understand that modifying the combination of Dimitriou and Wei by the teachings of Voss would not provide a branching section that is offset from a plurality of disks because the passages disclosed by Voss are formed within a plate and are not offset from the plate.

New Claims

New claims 28 and 29 have been added. Claims 28 and 29 depend from claim 11 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

CONCLUSION

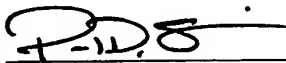
Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 4/23/09

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

Paul D. Strain
Attorney for Applicant
Registration No. 47,369